



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219 2000

Charles A. Kilpatrick, P.E.
Commissioner

February 5, 2016

Bettina R. Sullivan
Program Manager – EIR & Long-Range Priorities Program
Division of Environmental Enhancement
Virginia Department of Environmental Quality
629 East Main Street
Richmond, VA 23219

RE: I-64/I-264 Interchange Modification
Unnamed Tributary to Eastern Branch of Elizabeth River
City of Norfolk, VA
Request for Coastal Resources Management Consistency Certification

Dear Ms. Sullivan:

The Virginia Department of Transportation (VDOT) hereby requests that the Virginia Department of Environmental Quality grant a Coastal Resources Management Program Consistency Certification for Joint Permit Application (JPA) No. 15-1710 (and VDOT JPA No. 15-4145).

This document provides the Commonwealth of Virginia with VDOT's Consistency Certification and necessary data and information under Coastal Zone Management Action (CZMA) Section 307(c)(3)(A) and 15 CFR Part 930, subpart D, for the I-64/I-264 Interchange Modification project.

Project Description:

The purpose of the project is to increase the capacity of the existing I-264/I-64 interchange by widening and realigning ramps on structure and to provide drainage improvements. The project will widen the existing ramp D-7 including the taper and deceleration lane to separate those vehicles involved in the turning movements from those vehicles continuing westbound on I-64. Widening of the existing I-64 bridge over Curlew Drive will be required. Beyond the Curlew Drive bridge, the ramp will divide into a single lane C/D road (Ramp D7-CD) and a dual lane flyover ramp (Ramp D7). Temporary cofferdams will be utilized to install proposed stormwater outfalls below the MHW elevation.

The project will impact 0.32 acres of nontidal forested wetlands; 0.29 acres of nontidal emergent wetlands; 0.22 ac. tidal scrub-shrub wetlands; and 1.66 acres of tidal emergent wetlands, of which approximately 1.46 acres is dominated by Phragmites. The project will also impact 2,480 linear feet of tidal channel, of which 580 lf will be placed in box culverts and 1,900 lf will be relocated; 825 linear feet of non-tidal stream channel; 712 linear feet of non-tidal roadside ditch; and 27 linear feet of tidal ditch.

To compensate for unavoidable impacts to streams and wetlands, VDOT proposes the following compensation strategies and ratios:

- VDOT's Goose Creek Mitigation Site (Phrag 1:1) – debit 63,443SF from wetlands ledger
- VDOT's Goose Creek Mitigation Site (tidal channel 1:1) – debit 580LF from stream ledger
- Virginia Aquatic Resources Trust Fund – purchase 675LF of stream credit
- Greenbrier Pocosin (PEM 1:1; PSS 1.5:1; PFO 2:1) – purchase 40,291SF of wetlands credit
- Chesapeake Land development tidal bank – purchase 23,214SF of wetlands credit
- Onsite tidal channel – creation of 1,900LF of tidal channel at the project

This project was presented at our September 8, 2015 Inter-Agency Coordination Meeting. The JPA (attached) was distributed electronically to all IACM agencies, including the Department of Health, Department of Game and Inland Fisheries, Department of Conservation and Recreation, the Virginia Institute of Marine Science, and DEQ. The IACM comments and other agency correspondence are included in the JPA.

VDOT is seeking a Corps of Engineers Individual Permit, a Department of Environmental Quality Virginia Water Protection Individual Permit and a Virginia Marine Resources Commission Standard Permit. The Corps issued a public notice on December 21, 2015. The VMRC issued a public notice on January 13, 2016. DEQ's public notice is pending the development of a draft permit.

Coastal Resources Management Consistency Determination:

VDOT certifies that the proposed activity complies with the enforceable policies of Virginia's Coastal Resources Management Program and will be conducted in a manner consistent with the program. The relevant enforceable policies and coordination are as follows:

- 1) **Fisheries Management** – VMRC noted that if the natural channel design did reduce sedimentation and allow for a persistent MLW channel upstream of the subject culvert, the approximate 2200 linear feet of "restored channel" would serve as potential habitat and nursery area (safe haven) for juvenile finfishes, crabs and certain other marine organisms. Additionally, the use of stormwater bmp's that can reduce/eliminate sediment inputs and trash (plastics, etc.) into the Eastern Branch Elizabeth River was strongly encouraged.

- 2) **Subaqueous Lands Management** – Per VMRC, “the Commission’s jurisdiction over this project is limited to those project components which encroach channelward of mean low water (MLW) in the unnamed tidal tributary and/or into the Eastern Branch Elizabeth River. This represents the approximate 50 linear foot scour area, proposed to dredged to minus three feet at MLW, situated immediately upstream of the downstream-most culvert and any proposed storm water outfalls at or below this area. All proposed impacts to tidal wetlands are statutorily authorized under the governmental activity section of the Virginia Wetlands Act”. VMRC has indicated its intention to issue a Standard Permit. Public Notice was made of the proposed issuance on January 13, 2016. A Standard Permit is required due to the requirement for an Individual Permit from the Corps of Engineers.
- 3) **Wetlands Management** – The project will restore tidal influence to a former tidal channel and will provide compensation for tidal wetlands impacts, nontidal wetlands impacts and nontidal stream channel impacts. VMRC has indicated its intention to issue a Standard Permit. Public Notice was made of the proposed issuance on January 13, 2016. A Standard Permit is required due to the requirement for an Individual Permit from the Corps of Engineers. DEQ is in the process of drafting a VWP Individual Permit.
- 4) **Non-point Source Pollution Control** – VDOT will implement erosion and sediment (E&S) control practices in accordance with its approved E&S standards and specifications. VDOT will also submit a registration statement for a Virginia Stormwater Management Program General Permit for Construction Activities and develop an associated Stormwater Pollution Prevention Plan, as appropriate.
- 5) **Point Source Pollution Control** – VDOT will submit a registration statement for a Virginia Stormwater Management Program General Permit for Construction Activities, as appropriate. VDOT applied for and is awaiting a draft VWP Individual Permit.
- 6) **Air Pollution Control** – This project has been assessed for potential air quality impacts and conformity with applicable air quality regulations and requirements. The project has been found to meet these requirements and as such, it will not cause or contribute to a violation of national ambient air quality standards (NAAQS) as established by the US Environmental Protection Agency (USEPA). The area in which the project is located is an 8-hour Ozone Maintenance area, and a volatile organic compounds (VOC) and oxides of nitrogen (NOx) Emissions Control Area. As such, regional conformity requirements apply. The project was modeled for regional conformity in the *Hampton Roads 2030 Long Range Transportation Plan (LRP)* and *Fiscal Year (FY) 2009-2012 Transportation Improvement Program (TIP)*. Comments from DEQ-Air: The following Virginia Department of Environmental Quality (VDEQ) air pollution regulations must be adhered to during the construction of this project: 9 VAC 5-40-5600 et seq., *Open Burning restrictions*; 9 VAC 5-40-5490 et seq., *Cutback Asphalt restrictions*; and 9 VAC 5-50-60 et seq., *Fugitive Dust precautions*.

The following enforceable policies are not relevant to this project:

- 1) **Dunes Management** – There are no dunes within the limits or in the vicinity of the project.
- 2) **Shoreline Sanitation** – No septic tanks will be installed for this project.

- 3) **Coastal Lands Management** – This public roadway project is exempt from the Chesapeake Bay Preservation Act and the associated Chesapeake Bay Preservation Area Designation and Management Regulations, since it will be constructed in accordance with 1) VDOT's approved E&S standards and specifications; 2) Virginia Stormwater Management Program General Permit for Construction Activities and associated Stormwater Pollution Prevention Plan, as appropriate; and 3) to prevent or minimize encroachment into the Resource Protection Area and impacts to water quality.

Please return this letter to indicate your finding on the Consistency Certification. We thank you in advance for your cooperation in this matter. If you have any questions, please do not hesitate to contact Tracey Harmon at 804-371-6834 or tracey.harmon@vdot.virginia.gov.

Sincerely,



Steven E. Begg
Natural Resource Program Section Manager
Environmental Division
Virginia Department of Transportation

Attachment: Joint Permit Application

FINDINGS:

- ☐ Additional information is needed before the consistency review can be completed
- ☐ The consistency certification for the proposed project has been reviewed and found to be consistent with the goals and objectives of the Virginia Coastal Resources Management Program.
- ☐ The consistency certification for the proposed project has been reviewed and found not consistent with the goals and objectives of the Virginia Coastal Resources Management Program. Attached are the reasons and supporting information for our findings.
- ☐ Consistency certification is not required because the project is outside the coastal zone and should not affect coastal zone resources.

Date

Bettina R. Sullivan, Program Manager